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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/594,077

09/25/2006

Manfred Leitgeb

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EXAMINER

LEE, ANDREW CHUNG CHEUNG

ART UNIT

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2419

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/594,077	<b>Applicant(s)</b> LEITGEB ET AL.	
	<b>Examiner</b> Andrew C. Lee	<b>Art Unit</b> 2419	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 18-34 is/are pending in the application.
- 4a) Of the above claim(s) 1-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/25/2006</u> .   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This Office Action in response to the Application no. 10594077 filed on 09/26/2009 is entered.
2. Claims 1 – 17 have been canceled based upon Preliminary Amendment dated 09/25/2006.
3. Claims 18 – 34 are newly added. Claims 18 – 34 are hence entered and presented for examination.

### ***Priority***

4. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

5. The information disclosure statement (IDS) submitted on 09/25/2006 was filed, and the submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Claim Objections***

6. Claims 19 – 27, 29 – 30, 32 – 34 are objected to because of the following informalities:

Regarding claims 19 – 27, the indefinite article “A” in the clause “A method” should be changed to definite article “The”.

Regarding claims 29 – 30, the indefinite article “A” in the clause “A terminal” should be corrected as “The”.

Regarding claims 19 – 27, the indefinite article “A” in the clause “A switching node” should be corrected as “The”.

Regarding claims 22, 24, 29, 34, the acronyms “USSD”, and UUS” should be spelled out in full text for sake of clarity.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 18, 19, 20, 21, 23, 25, 26, 28, 31, 32, 33 are rejected under 35 U.S.C. 102(e) as being anticipated by Denman et al. (US 7170863 B1).

**Regarding claim 18**, Denman et al. disclose a method for providing a push-to-talk connection between at least two user terminals in a communications network (*“to provide push-to-talk form one user to another in a wireless packet data communications network”*; Abstract, Fig. 10, Fig. 11, col. 1, lines 34 – 41), comprising signaling information from a first terminal to set up a push-to-talk connection to a switching node

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(*Fig. 5, col. 16, lines 15 – 32*); establishing a usable link from the first terminal to the switching node (*Fig. 5, col. 16, lines 29 – 45*); and establishing a usable link from the switching node to at least one further terminal (*Fig. 10, Fig. 11, steps 1 - 8, 9 – 13, col. 21, lines 63 to col. 25, lines 48*).

**Regarding claim 19**, Denman et al. disclose a method claimed wherein useable links established are speech connections (*“call, speed transmission”; col. 2, lines 25 – 30*).

**Regarding claim 20**, Denman et al. disclose a method claimed wherein the communications network is a mobile communications network (*“via a wireless packet data network, ...a mobile station”; col. 1, lines 34 – 53*) .

**Regarding claim 21**, Denman et al. disclose a method claimed wherein at least one terminal is represented by a mobile terminal (*“a mobile station”; col. 1, lines 34 – 53*).

**Regarding claim 23**, Denman et al. disclose a method claimed wherein the usable link from the first terminal to the switching node is established before setting up the push-to-talk connection to the switching node (*Fig. 5, col. 16, lines 15 – 32, Fig. 10*).

**Regarding claim 25**, Denman et al. disclose a method claimed further comprising initiating ending of the useable link by one of the first terminal and the at least one other terminal (*Fig. 10, col. 21, lines 63 - 67, col. 25, lines 54 – 67*).

**Regarding claim 26**, Denman et al. disclose a method claimed further comprising acknowledging receipt of the signaled information by the switching node (*Fig. 10, col. 23, lines 53 – 67, col. 24, lines 1 – 47*).

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**Regarding claim 28**, Denman et al. disclose a terminal for push-to-talk communication with at least one other user terminal in a communications network having a switching node (*"mobile station", "PTT server", "to provide push-to-talk form one user to another in a wireless packet data communications network"*; Abstract, Fig. 10, Fig. 11, col. 1, lines 34 – 53), comprising: means for signaling information to the switching node to set up a push-to-talk connection to the switching node (Fig. 5, col. 16, lines 15 – 32); means for establishing a usable link to the switching node (Fig. 5, col. 16, lines 29 – 45); and means for requesting a usable link from the switching node to at the least one other terminal (Fig. 10, Fig. 11, steps 1 - 8, 9 – 13, col. 21, lines 63 to col. 25, lines 48).

**Regarding claim 31**, Denman et al. disclose a switching node in a communications network for push-to-talk communication between at least two user terminals (*"PTT server", "to provide push-to-talk form one user to another in a wireless packet data communications network"*; Abstract, Fig. 10, Fig. 11, col. 1, lines 34 – 53), comprising: means for receiving signaling information from a first terminal to set up a push-to-talk connection (Fig. 5, col. 16, lines 15 – 32); and means for establishing usable links to the first terminal and at least one other terminal (Fig. 5, col. 16, lines 29 – 45; Fig. 10, Fig. 11, steps 1 - 8, 9 – 13, col. 21, lines 63 to col. 25, lines 48).

**Regarding claim 32**, Denman et al. disclose a switching node claimed further comprising means for acknowledging the signaling information ((Fig. 10, col. 23, lines 53 – 67, col. 24, lines 1 – 47)). .

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**Regarding claim 33**, Denman et al. disclose a switching node as claimed in claim 32, further comprising means for controlling the push-to-talk *connection* (“PTT server”; *col. 1, lines 34 – 53*).

### ***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 22, 24, 27, 30, 29, 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Denman et al. (US 7170863 B1) in view of Bell et al. (US 20060085823 A1).

**Regarding claim 22**, Denman et al. disclose all the limitations as disclosed in claim 18, except explicitly wherein the information is signaled by means of USSD.

Denman et al. do not disclose wherein the information is signaled by means of USSD.

Bell et al. in the same field of endeavor teach wherein the information is signaled by means of USSD (“USSD (*Unstructure Supplementary Services Data*)”; *para. [0056]*).

At time the invention was made it would have been obvious to a person of ordinary skill in the art to modify the teachings of Denman et al. to include the features of wherein the information is signaled by means of USSD as taught by Bell et al. One of ordinary skill in the art would be motivated to do so for providing a method and

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apparatus for facilitating the output of media content on a group of user devices (*as suggested by Bell et al., see para. [0001]*).

**Regarding claim 24**, Denman et al. disclose all the limitations as disclosed in claim 18, except explicitly wherein the information is signaled by UUS.

Denman et al. do not disclose wherein the information is signaled by UUS.

Bell et al. in the same field of endeavor teach wherein the information is signaled by UUS (*“user to user signaling (UUS)”*; *para. [0052]*).

At time the invention was made it would have been obvious to a person of ordinary skill in the art to modify the teachings of Denman et al. to include the features of wherein the information is signaled by UUS as taught by Bell et al. One of ordinary skill in the art would be motivated to do so for providing a method and apparatus for facilitating the output of media content on a group of user devices (*as suggested by Bell et al., see para. [0001]*).

**Regarding claims 27, 30**, Denman et al. disclose all the limitations as disclosed, except explicitly means for loading application software onto the first terminal prior to initiating the push-to-talk connection.

Denman et al. do not disclose means for loading application software onto the first terminal prior to initiating the push-to-talk connection.

Bell et al. in the same field of endeavor teach means for loading application software onto the first terminal prior to initiating the push-to-talk connection (*“such applications may be implemented in hardware, software,,,and ...provide with an application...”*; *para. [0039], [0053]*).



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At time the invention was made it would have been obvious to a person of ordinary skill in the art to modify the teachings of Denman et al. to include the features of means for loading application software onto the first terminal prior to initiating the push-to-talk connection as taught by Bell et al. One of ordinary skill in the art would be motivated to do so for providing a method and apparatus for facilitating the output of media content on a group of user devices (*as suggested by Bell et al., see para. [0001]*).

**Regarding claims 29, 34,** Denman et al. disclose all the limitations as disclosed except explicitly wherein said means for signaling information, controlling uses USSD or UUS.

Denman et al. do not disclose wherein said means for signaling information, controlling uses USSD or UUS.

Bell et al. in the same field of endeavor teach wherein said means for signaling information, controlling uses USSD or UUS (*“user to user signaling (UUS)”*; *para. [0052]*).

At time the invention was made it would have been obvious to a person of ordinary skill in the art to modify the teachings of Denman et al. to include the features of wherein said means for signaling information, controlling uses USSD or UUS ( ) as taught by Bell et al. One of ordinary skill in the art would be motivated to do so for providing a method and apparatus for facilitating the output of media content on a group of user devices (*as suggested by Bell et al., see para. [0001]*).

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**Conclusion**

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a) Bao et al. (US 20040196826 A1).
- b) Phillips et al. (US 7454206 B1).
- c) Stewart et al. (US 7426379 B1).

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew C. Lee whose telephone number is (571)272-3131. The examiner can normally be reached on Monday through Friday from 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan Orgad can be reached on (571) 272-7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrew C Lee/  
Examiner, Art Unit 2419  
<3/19/2009::2Qy09>

/Edan Orgad/

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Supervisory Patent Examiner, Art Unit 2419